

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

THE TOWERS OF CHANNELSIDE, LLC

**Case No. 8:08-bk-00939-KRM
Chapter 7 case**

Debtor.

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JB Vol.15, #2135

DOUGLAS N. MENCHISE,

Plaintiff,

v.

Adv. Proc. No. 8:09-ap-00255-KRM

**PENINSULAR ENGINEERING
& CONSTRUCTION COMPANY, INC.;**
et al.,

Defendants.

_____ /

FINAL JUDGMENT

This case and this adversary proceeding came before the Court for a Final Evidentiary Hearing on November 15, 2010, which was duly scheduled on the relief sought in the adversary proceeding and the Objection to Claim No. 25 of Brad Hite (Bankr. Doc. 741), Objection to Claim No. 23 of Richard Sacchi (Bankr. Doc. 742), Objection to Claim No. 24 of Peninsular Properties, LLC (Doc 743), and Objection to Scheduled Claim of Alisandra McGuinness (Bankr. Doc. 745) (collectively, the “**Claims Objections**”). This Court having considered the stipulation of the parties to dismissal of Counts III, IV and V of the Complaint; having denied relief on Count VI of the Complaint as moot because the Claim Nos. 23, 24, 25 and the scheduled claim of

Alisandra McGuinness will be disallowed by separate order as a result of the Defendants' withdrawal of said claims in open Court; having denied all relief on Count II of the Complaint in granting Defendants' Motion for Directed Verdict; having denied relief on Count I of the Complaint against Defendants, Bradley Hite, Richard Sacchi, and Peninsular Properties, LLC, in granting Defendants' Motion for Directed Verdict; having considered the testimonial and documentary evidence introduced by the Plaintiff, Douglas N. Menchise, as Chapter 7 Trustee for the Estate of The Towers of Channelside, LLC (the "**Trustee**") and by the remaining Defendant, Pensinsular Engineering and Construction Company, Inc. ("**Peninsular Engineering**") and received by this Court; having considered the argument of counsel for the Trustee and for Peninsular Engineering; having reviewed the pleadings and having been otherwise fully advised in the premises, and for the reasons stated orally and recorded in open court, which shall constitute the record of this Court

It is hereby **ORDERED** that this Final Judgment be, and the same is hereby entered in favor of the Trustee against Pensinsular Engineering as follows:

1. Plaintiff, Douglas N. Menchise, as Chapter 7 Trustee for the Estate of The Towers of Channelside, LLC, shall recover from Defendant, Pensinsular Engineering and Construction Company, Inc., the principal sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), which shall bear interest at the current statutory rate of 2.8%, for all of which let execution issue forthwith;

2. Final Judgment of no liability is hereby entered in favor of Defendants, Bradley Hite, Richard Sacchi, and Peninsular Properties, LLC, as to Count I of the Complaint;

3. Final Judgment of no liability is hereby entered in favor of Defendants, Bradley Hite, Richard Sacchi, and Peninsular Properties, LLC, and Peninsular Engineering and Construction Company, Inc., as to Count II of the Complaint;

4. This Court shall retain such other and further jurisdiction as may be necessary to implement and carry out this Order

DONE AND ORDERED in Chambers at Tampa, Florida, on December 1, 2010.



K. RODNEY MAY
United States Bankruptcy Court Judge

Copies to be provided by CM/ECF service.